DOCUMENT RESUME

ED 477 646 EA 032 551

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TITLE	No Child Left Behind: What Are the Costs? Will We Realize Any Benefits?
PUB DATE	2003-02-17
NOTE	15p.
PUB TYPE	Reports - Evaluative (142)
EDRS PRICE	EDRS Price MF01/PC01 Plus Postage.
DESCRIPTORS	Academic Achievement; Accountability; *Costs; Dropouts; *Educational Equity (Finance); *Educational Finance; Educational Improvement; *Educational Legislation; *Educational Resources; Elementary Secondary Education; High Stakes Tests; *National Standards; Scores; State Standards
IDENTIFIERS	*No Child Left Behind Act 2001

ABSTRACT

This commentary offers an analysis of the No Child Left Behind Act of 2001 (NCLB). The paper purports that the most serious problems in the U.S. education system stem from a lack of resources, particularly at the secondary level. This lack of resources leads to a large disparity in student academic achievement within the United States. International test data show that the United States has the greatest inequities between the highest and lowest scoring students of any nation. The paper goes on to discuss the costs of implementing NCLB, focusing on actual needs versus actual costs and highlighting cost studies from 10 states. The paper continues with a discussion of the promised benefits of NCLB, stating that if the educational system is not adequately funded, there is little hope of actual benefit. It asserts that NCLB will likely increase dropouts, narrow the curriculum, and increasingly label schools as failing even as National Assessment scores and graduation rates reach all-time highs. The analysis concludes with a list of five requirements for the United States to attain the goal of educating all children. (Contains 43 endnotes, most of which are references.) (WFA)

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No Child Left Behind: What Are the Costs? Will We Realize any Benefits?

William J. Mathis

February 17, 2003

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INTRODUCTION

It is the cruelest illusion to promise far more than we will ever deliver. Yet, throughout time, reformers of all persuasions have promised Utopian dreams to gain permission to fit the world to their view. With great fanfare about historic turning points and fervent promises to America's children, President Bush signed the "No Child left Behind" (NCLB) act into law in January 2002.

The rhetoric was certainly noble, and it was sold with the guarantee that, at last, we would leave no student behind. That the poor would have the same as the rich and the strong arm of a resolute government would make it so. Public support for equality, periodic testing, qualified teachers, and other provisions of the law was strong.[1] As shown by an 87-10 Senate vote, the law passed with substantial bipartisan support.

President Bush and Secretary Rod Paige have said much about the great investments the federal government has made in education and, in strident tones, says the public has a right to demand great returns on this investment.[2]

Alas, the promises are far greater than the reality. When the "historic" federal investments in education are scrutinized, the first-year increases to Title I compensatory funds amount to a mere four-tenths of one percent of total education spending. When the much touted "flexibility" procedures given to local districts are examined, at best, they allow a local district to move around about 4.3% of their already committed money.[3] When the so-called "adequate yearly progress" provisions are examined, independent reviewers, almost without exception, say the plans are unrealistic.[4]

Submerged beneath emotional appeals and rhetorical demands, hard questions about costs, adequate resources and commitments lie hidden.

OUR NATION'S FINANCIAL COMMITMENT

Throughout the last century, critics loudly proclaimed the nation's peril due to the alleged poor condition of the schools. Yet, National Assessment results are at a thirty year high in reading and mathematics, drop-outs at an all-time low, and our nation's economic supremacy is unquestioned.[5] This is hardly a picture of a "failed" system.

But these facts hide the nation's true educational problems.

Much has been made of the United States' " merely average" test scores compared to other countries. To be sure, U. S. scores on international examinations (TIMMS and PISA 2000) are at international averages in reading, math and science.[6] However, it is just as clear that the United States investment in k-12 education is mediocre. We spend the same average amount of our gross domestic product on elementary schools as other developed countries but fall in the bottom half in our commitment to high schools.[7]

The greater and more insidious danger, however, is the disparity in achievement *within* the United States. International test data tell us we have the greatest inequities between our highest and lowest scoring students of any nation.[8] In a UNICEF follow-up study, the gap between our average and low

scorers gives the United States an abysmal ranking of twenty-one out of twenty-four industrialized nations in educational equality.[9]

While we are getting more productivity than what we pay for, the troubling disparities in achievement reflect our disparities in funding.

NCLB COSTS:
WHAT WE SPEND VERSUS WHAT WE NEED

In 1989, the Kentucky Supreme Court ruled in the *Rose* case that the state constitution requires the state to provide schools and students the resources necessary to meet high state standards. Since that time, state courts in New Hampshire, Tennessee, Arkansas, Ohio, North Carolina, and New Jersey have issued similar rulings on behalf of children. In addition to the courts, the vast majority of states enacted standards-based reforms. The NCLB law adopts these state standards and imposes progressively harsher penalties if students do not get passing scores.

Figuring out how much NCLB will cost requires knowing how much it will take to have all students pass the standards. But how do we know how much money is enough? Different methods have been used to estimate what is an *adequate* amount of money.

- The professional judgement method uses panels of experts to carefully define the resources needed for each child to meet the standards. Then, these resources are added up to get a state figure.
- The successful school technique identifies a set of high achieving schools, examines their resource allocations and spending levels, and generalizes them to other schools.
- The statistical approach calculates what it takes to predict a passing score. These models are particularly useful in determining regional costs such as what it would take to attract qualified teachers to a remote location.

Within the last four years, a new generation of finance studies has estimated the costs of raising all children's test scores up to the particular state's standard. While some of the studies expressly include NCLB costs, most have been based on achieving the state's standards – which were later folded into that state's NCLB system. Since each state determines its own standards, has its own unique social and political culture, and its own level of student needs; there is a great variety of outcomes.

Nevertheless, recent studies in different states, by different researchers, using different methods, unveil a picture of the massive costs of making sure all children pass the mandated NCLB tests.

Indiana – For a school to meet the "commendable" level on state tests, Indiana would have to increase base spending from $5468 to $7142 per pupil for an adequate basic education. These estimates do *not* include the added costs of

special education students, which range between $7500 and $8300 each. They also do not include the cost of "hard-to-serve students" who average an additional $4200 to $5300 per student.[10] Base increases require a 31% increase in spending, without considering special needs.

Maryland - In Maryland, Augenblick and Myers found a base education cost of $12,060 per pupil for elementary schools, $9000 for middle and $9599 for high schools. They further calculated that having a low-income student meet standards would cost an *additional* $9165 on top of the base. They used both a market basket and a high achieving school model to cost their standards based models. The results from both methods were similar.[11]

The total cost for the system for FY2000 would have been $7.2 billion plus a low-income supplement of $1.4 billion. Since the expenditures for that year were $5.9 billion, the percentage increase was 46%. To Maryland's credit, their lawmakers boosted education spending by $1.3 billion in spring, 2002.[12]

Montana – Montana's 2002 study was sponsored by five educational organizations and assisted by the National Council of State Legislators. They used a professional judgement approach to cost out meeting NCLB requirements based on the current level of performance. They found they needed a base cost between $6004 and $8041 per pupil (depending on district type) but the current base was only $4471. Additional special needs and remedial costs were $8000 and $2000 per pupil respectively. Thus, Montana base costs would increase between 34% and 80% depending on location and level of needs.[13]

Nebraska – The state department of education, in cooperation with various educational organizations, commissioned a study of what it would take to meet current Nebraska standards under NCLB in 2002-2003. Estimated costs range from $5845 per pupil in a large k-12 district to $11,257 in small, isolated k-12 districts.

On top of this figure, at risk and special needs students would require an *additional* $1500 to $12,000 each depending on the level of need. "Total costs would vary, on average, from $8103 per student in large k-12 districts to $13,525 per student in very small k-12 districts," says the report.[14] Nebraska currently spends about $5600 per pupil. Thus, they are looking at a 45% cost increase.

NCLB testing and labeling has brought outrage from Nebraska state and local officials. The state Senate called for full federal funding of the mandate.[15]

New Hampshire – Mark Joyce, Executive Director of the New Hampshire School Administrators Association, sent his members and the citizens of New Hampshire his analysis of NCLB costs. He found that the state receives an average of $77 of new federal money for each of the granite state's 220,000 students, but the obligations of the law cost $575 per student. In other words, New Hampshire receives about $17 million in new money for new obligations of $126.5 million.[16]

To arrive at this number, Joyce estimated a state cost for each of the elements of the law and added them together. Joyce contends that his estimates are conservative, and he is probably right. The reason is that his analysis was confined to increased local and state staff and administration costs. He assumed that the number of special education students would increase by two percent but he did not include costs of remedial programs for under achieving children. As compared to other states, this procedure results in a significant underestimate.

New York – Using a statistical technique primarily focused on regional differences in costs to meet standards, Professors Duncombe and Lukemeyer arrived at a median statewide figure of $7927 for *extra* remedial costs, on top of the regular per pupil expenditure need of $9781. The authors provide several regional cost variations at different proficiency standards. Their overall regional cost adjustments add 16% to total education spending.

New York's Campaign for Fiscal Equity launched a major costing study using both the successful schools and professional judgement models. They expect to report their results in early 2004.[17]

South Carolina – To estimate the costs of getting 85% of South Carolina students to the "basic" level of the Palmetto tests and all students passing the graduation tests in 2011, the base cost of $4990 in 1999 would have to be increased to $6189 by 2005-06 for a 24% increase. However, this figure does not include the costs of at-risk and special education students. When these figures are added in, the cost rose to $9182 per pupil (an 84% increase) according to their professional judgement study.[18] South Carolina must almost doubles spending going from $3.1 billion in 1999 to a projected $6.0 billion in 2006.

Texas – While Texas saw large increases in percentages passing the state test (TAAS), these tests were at an eighth grade basic skills level.[19] Even with the low standards, statistical modeling of NCLB costs on earlier data would require an increase in state aid of 101% or $6.9 billion new state dollars. Assuming the local contribution remanded the same, this is about a 35% increase in spending. For comparison purposes, the federal administration has proposed a $1 billion increase for the nation as a whole for FY04.[20]

In Texas, the largest increases are needed in the very low wealth and the very large city districts. A new test is being implemented in Texas. Obviously, if they increase their standards, the remedial costs will go up proportionately – if not exponentially.

Vermont – This writer's Vermont study counted the number of students below state standards. Depending on the test and grade level, Vermont scores between 22 and 32 percentile points above national norms and this advantage over the nation is increasing. Nevertheless, because Vermont has extremely high standards, 46.5% of the students "fail" one of these tests. One-fourth of these students were assumed to be able to reach the standards within existing resources. Using estimates from adequacy cost studies, and the number of

impacted poverty and moderate need students in the state, added remediation costs were calculated at $149.5 million. Testing costs and lost instructional time added $8.7 million to the number for a total of $158.2 million in new costs. However, the state only receives $51.6 in all ESEA titles combined.[21]

Vermont would add 15.5% to their total school costs for remediation and testing alone.

Wisconsin – In a study for the Economic Policy Institute, Whitney Allgood and Richard Rothstein found that adequate funding in Wisconsin would be $11,231 per pupil averaged across all pupils in the state. For high-risk pupils, the cost was $27,879 per pupil – which is more than 2.5 times the cost of previous estimates. In arriving at this figure, the authors demonstrate that overcoming the effects of impacted poverty requires interventions beyond the traditional school. So they included community clinics, before and after school programs, early childhood intervention and summer school programs.[22]

Simply teaching children will have little effect if they return to bad neighborhoods, single parent homes, foster care, inadequate health care and lack of support. The authors marshal convincing evidence that reaching high standards without essential support systems over-estimates the ability of schools to cure social ills.[23]

A follow-up study by the Institute for Wisconsin's Future in 2002 determined that $11,121 per pupil in school spending was needed but the current level was only $8241. The difference represents a 35% increase for Wisconsin spending.[24]

ESTIMATING THE NATIONAL COSTS OF NCLB

These cost studies from ten states are all based on bringing the state's children up to an academic standard. They vary considerably in methods, assumptions, and procedures. They use a variety of analytic techniques including professional judgement, statistical, and successful school models. All are recent. Yet, for all their diversity, a number of unambiguous findings emerge.

- Providing a "standards based" NCLB education for all children will require massive new investments in base education spending.

  Seven of the ten studies show base cost increases greater than 24% and, of these, six were between 30% and 46%. Two were in the 15% range and one did not directly address the base cost.

- Traditional estimates of the costs of remedial instruction, such as Title I or state-funded programs have been greatly underestimated at both the state and federal levels.[25] Eight of the ten studies found the real *additional* costs to be approximately 100% higher. That is, double the cost of regular instruction. The other two studies did not address or break out these costs.

- The federal government boasts that they are fully paying Title I NCLB costs with the additional $1 billion planned for FY04.

  As indicated by the New Hampshire study, such a small appropriation will not likely pay for the added bureaucracy, testing requirements, qualified teacher costs, paraprofessional tests and other mandates in the law.

- Perversely, states with high standards such as New York, Michigan or Vermont will have the highest remedial needs and costs while those with low standards have the least costs.[26]

Public K-12 spending was $422.7 billion in 2001-02.[27] If we use a broad yet easily justified and extremely conservative estimate of 20% added costs for the nation as a whole, that translates into a national increase of about $84.5 billion. A low estimate of 35% additional costs yields a needed increase of $148 billion.

For comparison purposes, the current federal Title I appropriation is $11.3 billion and the administration's budget request of $12.3 billion is below the authorized amount of $18 billion in the NCLB act.[28] President Bush said in his weekly radio address of January 4, 2003 that the additional $1 billion was "more than enough money," and that, "we are insisting that schools use that money wisely."[29]

WHO HAS TO PAY THE NCLB BILL?

Legal scholars have opined that the federal government cannot be sued to force adequate funding of the law. In fact, Secretary of Education Richard Riley in a January 19, 2001 letter says states have the responsibility of providing educational resources to meet new standards.

> "Indeed, raising standards without closing resource gaps may have the perverse effect of exacerbating achievement gaps and of setting up many children for failure."[30]

The redress for states is to reject the federal money and the mandates. However, if states take the money and require local districts to meet state standards, these same local districts can legally demand that the state provide adequate money to meet these standards. Local districts can cite a growing number of financial adequacy studies to support their case in the courts.

With the National Governors' Association estimating that states face a total FY03 deficit of $58 billion, state governments will be hard pressed to fund an additional $84.5 or $148 billion. In many states, budgets are being balanced by cutting education dollars. To compound matters, the proposed federal tax cut would save the wealthiest one percent of the nation an estimated $59 Billion in taxes while the federal government descends into deficit. Further, a sluggish economy and the specter of war hangs over all.

Few reasonable people argue that all children must be well educated and that extra services must be made available for our most needy. In fact, it has been the dream of many educators throughout our nation's history. However, if funding remains inadequate, then the law will at best be an over-promising government, which leaves behind our poorest and most needy children.

THE PROMISED BENEFITS:
THE ACCOUNTABILITY SYSTEM

The primary promised benefit of the NCLB law is a requirement that 95% of all student groups reach their state test standards by 2014. Obviously, we don't know if that goal will or can be reached. If the system is not adequately funded, then reaping the benefits is a remote and forlorn hope.

Assessing the possible benefits requires answering two questions, one is technical and the other is about values.

- The technical question is whether the system can even work. At the heart of the plan is the requirement that each sub-group of students in each school improve test scores in equal yearly increments. That is, can they make "adequate yearly progress" (AYP).
- The values question is whether the goals of the system, narrowly conceived as improved test scores, is the right goal for public education in a democratic society. The related question is that of unintended consequences -- which could work against these same democratic values.

BENEFITS:
CAN THE "ADEQUATE YEARLY PROGRESS" SYSTEM WORK?

There is simply no body of accepted scientific knowledge that says that all students and subgroups of students can reach meaningful high standards, at the required AYP pace, given the levels of funding and the lack of social, economic and family assets of many of our children.

It is also doubtful that the machinery works. There is scant evidence that the AYP train can even get out of the station.

Test Score Reliability – The centerpiece assumption is that test scores must improve annually. Before NCLB became law, Kane and Staiger demonstrated that 70% of the year-to-year change in test scores for grade levels or schools is simply random variation.[31] Differences in the student body from one year to the next, combined with the statistical error in the tests make it impossible to know whether the tests are measuring real gains (or losses) -- or whether the changes are merely random noise.

Similarly, Haney examined the scores of all Massachusetts schools. He found that those that received a medallion for great gains in one year saw those

gains disappear in the following year.[32] In Florida, the same pattern emerged with 69% of schools that gained in the first cycle falling backwards in the next cycle.[33] In Maine, Lee found the same phenomenon and noted that the random fluctuation, not surprisingly, increased as the size of the school decreased.[34]

The problems became far more difficult as the number of sub-groups increase. A school with a diverse population (and many subgroups) has many more opportunities to fail. Thus, the diverse school, with perhaps greater challenges, is penalized.

Likewise, many rural and small schools do not have enough students in a grade level or a sub-group to draw valid conclusions. While some states call for a minimum of 30 or 50 students in a sub-group, new analyses are finding these cell sizes far too small to validly measure AYP gains. Vermont modeling, for example, shows that 170 students per grade level are necessary for the scores to be stable.[35]

Validity – Most states claim their testing systems are "aligned" with their state curriculum standards. Generally, this means that they are not grossly incompatible. It does not necessarily mean that they are a faithful, accurate and balanced representation of the state's standards for instruction. Since most tests are geared toward reading and mathematics, social studies and science get short shrift. Even within math and reading, the ability of any test to validly sample an ever expanding knowledge base is suspect. The reading and math wars demonstrate that even these basic areas are subject to great controversy. Different tests give different results for the same students even when they are measuring the same subject matter.[36]

Testing companies, state agencies and local districts all have their own incentives to keep the time, amount and expense of testing to a minimum. The result, unfortunately, is a trade-off. Thus, it is doubtful that any state accountability test can be considered as a valid and representative sampling of the state's curriculum expectations for an educated youth.

Do High Stakes Tests Improve Learning? – Each year, the NCLB system progressively increases sanctions against schools if they do not meet annual growth targets. Ultimately, the state could take over, change the management, or disband the school. The assumption is that the fear of penalties will drive schools to even higher levels of performance.

Leaving aside whether schools have the resources and whether students have the social capital, it is questionable whether punitive incentive systems work (B. F. Skinner disproved negative reinforcement systems 45 years ago). In looking at 18 states with high stakes testing systems, Amrein and Berliner looked at the scores on the high-stakes tests along with scores on other tests. If all scores went up, then the conclusion was that learning was taking place. If only the high stakes test went up, then test preparation and curriculum narrowing was the practice. They found that scores on the other tests were not related to high stakes results. Thus, the basic assumption of high stakes systems leading to improved learning is suspect.[37]

Texas is cited as a state where the increase in the percent passing standards was paralleled by increases in the state's NAEP scores. However, the low level of the state's tests, and the very different trend lines of the state and NAEP tests call this conclusion into question. More troubling is that the increase in test scores was not accompanied by increases in education outcomes of high value such as increased high school completion or college attendance.[38]

THE BENEFITS:
UNINTENDED CONSEQUENCES

The assumption of the NCLB system is that the test results represent what an educated person should be. Few would say that an educated person is one who only had high test scores. Most would say good scores are desirable but not sufficient. Most would say that schools must also produce good citizens, strong family members, contributors to society and people engaged in democratic governance. None of these are measured by or deemed of importance in the federal accountability system.

Curriculum Narrowing – As noted, statewide achievement tests do not measure the vast curriculum expanse set forth by states and school districts. Tests tend to measure those things that are easy to measure, in an efficient and economical way. This leads to lower order thinking skills with a weak smattering of higher order skills such as writing a short essay.[39] Schools and teachers, faced with ever-increasing demands to avoid the "failing school" label, will logically focus on the curriculum content they think will improve their scores. Leaving aside the fact that these tests provide little useful instructional feedback, the inevitable result is that the nation's curriculum will be narrowed and the level of expectations will be lowered.[40]

"Failing" Schools – While the federal government has recently announced that the "failing schools" label should be replaced with the more politically acceptable term "In need of improvement," the negative moniker sticks in the popular and media mind.

Regardless of the historically high test score achievement and graduation rates of the nation's schools, public school critics have been successful in painting schools as "failing" with the cooperation of a media with natural incentives to report negative news.

A plethora of estimates have been put forth regarding the number of failing schools across the nation. The Center for Assessment says 75%, North Carolina estimates 60%, Vermont calculated 80% over three years, and Louisiana reports 85% -- even though two-thirds of their schools show improved scores.[41]

Further, as Lowell Rose points out in Indiana, " A failing label will be assigned frequently based on the crushing impact of poverty." Students with large and diverse populations will find it most difficult to show progress while schools with a breakout group in special education will find it impossible.[42] Black

students showed a 94% failure rate while Hispanics registered 68%. Free and reduced lunch students showed 56% failing.

Schools labeled as "failing" will not receive their label because they have failed. Rather, schools will be branded because they are in poor or diverse neighborhoods, because they are small and rural, because they are underfunded and because the AYP system cannot tell the difference between a learning gain and random noise.

Drop-Outs – While it is still too early to determine if students will drop-out as a result of NCLB requirements, an examination of the national longitudinal data base shows that students subjected to eighth grade promotion examinations are more likely to drop-out by tenth grade.[43] Anecdotal evidence suggests that some students are encouraged or provided subtle incentives to dropout. This is consistent with the "uncertainty principle" mechanisms set forth by Amrein and Berliner. Pure and simply, the more intensive the negative consequences placed on a system for high results, the more likely the system is to break the rules to obtain these results.

SUMMARY AND CONCLUSIONS:
THE COSTS, BUT WILL THERE BE ANY BENEFITS?

The No Child Left Behind law claims noble aims and sets unyielding expectations for schools. Yet, there is a troubling difference between our nation's language and its actions. While asking for the highest educational achievement scores in the world, we ignore that we are, at best, mediocre in our commitment of our substantial wealth to our schools. When it comes to equality for all our children, we are among the most inequitable in the world.

It is in this context that the No Child Left Behind Act promised equality for all. Yet, in the ten states profiled in this analysis, the costs for making these promises a reality are far from being met. Seven of the ten states require new base investments in education of at least 24%. The federal administration has asked for an increase of $1 billion in Title I but we need at least $84.5 billion if we are to truly leave no child behind. States, currently wallowing in $58 billion worth of deficits, will be legally forced to take on these added burdens, but they lack the capability. With war pushed to the front and a tax cut planned, there is little reason to believe that commitment will follow rhetoric.

If we were willing to fund our educational obligations to the poor and the needy, the social benefits would be enormous. But funding alone will do little to stop an unworkable AYP system from randomly assigning punitive sanctions to our schools.

The system does not recognize that a hungry child with a poor, single parent, and a violent home may not be focused on phonics each morning. The system does not assure adequate money for an underfunded school. It gives no promise that children will not have to go to a dilapidated school. The system makes no distinction between a school with well-educated parents and generous

resources, and an impoverished school. Yet, both schools are held to the same standard.

The program will likely increase dropouts, narrow the curriculum, and increasingly label schools as failing even as National Assessment scores and graduation rates are at all-time highs.

The effect will not simply be to punish schools and children for failing when they never had a chance. The effect will be that our society accepts a meaner vision of what it means to be educated in America. The effect will be to take money from those schools and those communities that need it most and transfer it to "successful" schools. Ultimately, the effect will be to shift the purpose of schools away from education for a democracy and away from the provision of equal opportunities for all children.

If we are to attain the goal of educating all children, there are a number of requirements.

- Funding for education, prevention and remediation must be adequate. This will require major new investments particularly in poor, rural and city environments. This must not be done because it is the law but because it is what we should do.
- Ultimately, adequate funding is not a matter of fiscal capacity as much as it is a matter of political will. This requires a level of political involvement not traditionally seen from educators.
- States and districts must conduct their own cost benefit analyses. Even though schools desperately need the small Title I sums they receive, districts and states should reject Faustian deals with certain obligations that are sold at too low a price. The inevitable result is that the district agrees to being publicly branded as a failure when they never had a reasonable chance.
- States and districts must work with federal elected and appointed officials for repeal or massive revision of the NCLB law so that it provides a workable accountability system. This system must have comprehensive and democratic conceptions of educational goals rather than a narrow reliance on tests. It must measure gains based on where students are coming from as much as where they are going.
- Finally, educators must embrace accountability. They must assure that no school provides substandard, inadequate or inequitable educational programs. This must not be done because it is politically expedient but because it is what we owe the children, our society and ourselves.

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